

CITY COUNCIL PROCEEDINGS

JUNE 28, 2005

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 28, 2005
Tuesday, 9:41 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Martz, Schlapp, Skelton; present. Council Member Gray was absent with prior notification.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The Minutes of the June 21, 2005 meetings were approved 6 to 0, (Gray absent).

CONSENT AGENDA

Council Member Brewer Council Member Brewer requested that Items 3 and 4d be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda be approved except for Items 3 and 4d. Motion
--carried carried 6 to 0, (Gray absent).

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED , JUNE 27, 2005.**

Motion-- Mayans moved that the report be received and filed; the Contracts approved and the necessary
--carried signatures Motion carried 6 to 0, (Gray absent).

CMBS**APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:**

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Akiko Miloni	Mama San's*	3811 W 13th Street
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Robin E. Forbis	Wal-Mart Supercenter #1507	3030 North Rock Road
<u>Special Event:</u>	<u>July 2, 2005</u>	<u>(Consumption on Premises)</u>
John Whelan	Taste of Wichita	West Bank Stage/Delano Park, 1st & McLean

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion
--carried carried 6 to 0, (Gray absent).

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(Agenda Item 3)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES-SPECIAL EVENTS.

Automobilia Car Show – Saturday, July 9

1:00 p.m. to Midnight

§ First Street from Broadway to Mosley Street

§ Topeka from Second to Douglas

§ Emporia from Second to Douglas

§ St. Francis from Second to Douglas

§ Mead from Second to First Street

Ride for the Red – Sunday, July 17

6:00 a.m. to 7:00 p.m.

§ Douglas from Seneca to McLean Blvd

Council Member Brewer Council Member Brewer stated that he had been contacted by an individual regarding the Automobilia Car Show and that last year there were approximately 1800 cars that participated in this event. Stated that he has received an inquiry as to whether or not the Midnight Cruise would be allowed this year, which takes place on Douglas Street from Midnight to around 2:00 a.m. Stated that he forward the e-mail to the Police Department for their comments.

George Kolb City Manager asked that Deputy Police Chief Tom Stolz be asked to come down and explain to the Council Members and advised that we proceed with the meeting until he is present.

(Presentation in agenda order)

Tom Stolz Deputy Police Chief gave a brief history of this event. Stated that the Midnight Cruise runs from Midnight to 2:00 a.m. and is held on the last night of the event and takes place on Douglas Street to Seneca Street. Stated that they can manage this and would have to look into what businesses would be opened and impacted and that they would need to put up barricades for safety and have personnel on hand. Stated that they would just move their resources from the downtown area to the Douglas and Seneca area.

Motion-- Fearey moved that the Event sponsors notifying every property and/or business adjoining any portion of the closed street; Coordination of event arrangements with City Staff; Hiring off-duty public safety officers as required by the Police Department; Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets be approved and ask be the Police Department to work with the car show and to close the appropriate streets from midnight to 2:00 a.m. for the Midnight Cruise. Motion carried 5 to 0, (Brewer and Gray absent).

--carried

STREET CLOSURES

STREET CLOSURES RELATED TO THE CENTRAL RAIL CORRIDOR PROJECT.

(District VI)

Agenda Report No. 05-0639

Dondlinger & Sons Construction Co., Inc. has begun the construction of the Central Corridor Project and temporary arterial street closures will be required during different phases of the construction. The contractor is requesting approval of consecutive weekend street closures to install temporary railroad track crossings across Central, Murdock and 13th Streets. The proposed closure locations and tentative closure times are as follows:

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- Central, East of Santa Fe-From approx. 6:00 pm Friday, July 8th to approx 6:00 am Monday, July 11th.
- Murdock, East of Santa Fe-From approx. 6:00 pm Friday, July 15th to approx. 6:00 am Monday, July 18th.
- 13th St. N., East of Santa Fe-From approx. 6:00 pm Friday, July 22nd to approx. 6:00 am Monday, July 25th.

These temporary railroad track crossings will allow the relocation of the train traffic to the east side of the rail corridor and corresponding construction in the west portion of the corridor. The street closures are necessary to allow the efficient and quality installation of these railroad crossings.

Dondlinger & Sons Construction Co., Inc. is responsible for the placement of the required detour and construction signs and barricades and notification of area businesses and residents. During the closures traffic will be detoured as follows:

Central traffic will be detoured using St. Francis, Murdock and Washington Streets.
Murdock traffic will be detoured using St. Francis, Central and Washington Streets.
Eastbound 13th St. traffic will be detoured using Emporia, 17th and Mosley and westbound 13th St. traffic will be detoured using Mosley, 17th and St. Francis.

There are no financial considerations.

Motion -- Mayans moved that the street closures be approved. Motion carried 6 to 0; (Gray absent)

AGREEMENTS/CONTRACTS:

EASEMENT

EASEMENT ENCROACHMENT AGREEMENT. (DISTRICT V)

Agenda Report No. 05-0620

The Agreement allows Marc R. & Monica K. Kretchmar to occupy and construct, improvements on, over, and across a platted 10-foot utility easement described as the north 10 feet of Lot 27, Block 1, Bristol Park, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a swimming pool with a portion of the pool in above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0, (Gray absent).

17TH STREET N.

17TH STREET NORTH, BETWEEN BROADWAY AND I-135 FREEWAY – SUPPLEMENTAL. (DISTRICTS I AND VI)

Agenda Report No. 05-0621

The 2004 Capital Improvement Program includes funding for improving 17th Street North from Broadway to I-135. The Staff Screening & Selection Committee selected MKEC Engineering Consultants, Inc. (MKEC) for the design on April 1 & 2, 2004. On May 4, 2004, the City entered into an Agreement with MKEC for designing 17th Street North from Broadway to I-135 for a fee of \$198,000.

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The Water Department has asked MKEC to include water line improvements to their existing 17th Street North project. The proposed Supplemental Agreement provides for the additional design services.

Payment to MKEC will be on a lump sum basis of \$7,200, and will be paid by Revenue Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

BRIDGESTONE

BRIDGESTONE TIRE LEASE CONTRACT.

Agenda Report No. 05-0622

Wichita Transit has operated with leased tires since it began public operations in 1966. Leasing transit tires is the traditionally preferred method over purchase for several reasons. Tire lease costs are spread evenly throughout the life of the tire, eliminating the need to build up large amounts of cash reserves. Buying tires also requires considerable more staff time committed to frequent bid solicitations and purchase awards. Leasing ensures that we operate with the same brand tires and that tires are always in stock. Finally, and most importantly, leasing tires is less expensive than purchasing.

In April, 2005, an RFP was issued soliciting bids for Wichita Transit's tire lease program. Two bids were received (Goodyear and Bridgestone). The selection committee has chosen Bridgestone on the basis of cost and past performance.

The tire lease contract will provide for the following:

- Three-year contract with two option years
- Provision of same model tires for the fixed-route fleet
- Removal of all old tires
- Mileage tracking (life expectancy of tires)
- Lifetime warrantee on all manufacturer defects

First year costs will be approximately \$50,000, depending on miles operated. Subsequent yearly costs will escalate by 4 percent per year. The contract costs will be covered 80 percent by federal funds (FTA) and 20 percent local (City). Local match funds are already included in annual transit budget.

The City Law Department will review the contract prior to execution as to form.

Motion--carried

Mayans moved to approve the Mayor to execute the contract with Bridgestone. Motion carried 6 to 0, (Gray absent).

(Agenda Item 4d) TOP PROJECT

AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF WICHITA AND TOP SCHOOL NORTH CHARITABLE FOUNDATION (DISTRICT I)

Agenda Report No. 05-0638

At its meeting of June 21, 2005, the City Council approved a lease agreement with TOP School North Charitable Foundation that included a provision assigning responsibility for the demolition of six existing housing units to TOP. Following additional discussion with the lessee's representatives, staff recommends removal of the following provision from that lease:

"Lessee shall cause the vacation and demolition of the residential properties commonly known as Cessna Court and addressed as 2250-2256, 2258-2264 and 2266-2272 Jardine Drive. Lessor will provide professional assistance with the relocation of the tenants and oversight of demolition activities."

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The additional discussions revealed that this provision was not necessary to include in the lease. All parties acknowledged the roles that they would play in the development of this important community asset

The draft Capital Improvement Program now under review by the City Council allocates \$1,200,000 in GO funds and \$250,000 from utility capital reserves to provide necessary infrastructure improvements in support of this project.

Council Member Brewer Council Member Brewer that he and Council Member Schlapp sat down with the parties involved and reviewed the lease agreement. Stated that WSU took money from their building fund and have agreed to pay for the demolition. Stated that the City Manager agreed to take care of the other portion regarding relocation, which would amount to \$50 to \$60,000.00 so that WSU will not have to pay for all of the \$130,000.00 and will only have to pay half of that. Stated that he is asking that the amendment to the lease be approved today and if approved they will make their public announcement.

Council Member Schlapp Council Member Schlapp stated that she is very supportive of this.

Council Member Fearey Council Member Fearey stated that she will support this today but does think that they are asking something from the City in the amount of 1.4 million dollars. Stated that this has not come through the CIP and asked where this fits in with the Park Department's budget. Stated that she does not want people to think that they can "bring their dreams" to us and have us make them come true like the museums, etc. Stated that she thinks this will be good for the community and that we can find the money.

Motion-- Brewer moved that the amended lease agreement with TOP School North Charitable Foundation be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).
--carried

DESIGN SERVICE AGREEMENTS:

COPPER GATE

COPPER GATE NORTH ADDITION, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0623

The City Council approved the water distribution system, drainage and paving improvements in Copper Gate North Addition on October 12, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, drainage and paving in Copper Gate North Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$62,100, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).
--carried

EVERGREEN ADD.

EVERGREEN ADDITION, SOUTH OF 21ST STREET NORTH, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 05-0624

The City Council approved the water distribution system and sanitary sewer improvements in Evergreen Addition March 8, 2005.

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The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of water distribution system and sanitary sewer in Evergreen Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$19,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

OATVILLE ADD.

DIAMOND ADDITION TO OATVILLE AND OATVILLE ADDITION, NORTH OF MACARTHUR, WEST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 05-0625

The City Council approved the water distribution system and sanitary sewer improvements in Diamond Addition to Oatville & Oatville Addition on April 5, 2005.

The proposed Agreement between the City and Poe & Associates, Inc. provides for the design of bond financed improvements consisting of water distribution system and sanitary sewer in Diamond Addition to Oatville & Oatville Addition. The Staff Screening & Selection Committee selected Poe for the design on May 11, 2005.

Payment to Poe will be on a lump sum basis of \$18,900, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

PROPERTY ACQUISITIONS:

5928 S. HYDRAULIC

A PORTION OF 5928 SOUTH HYDRAULIC: HYDRAULIC IMPROVEMENT PROJECT. (DISTRICT III)

Agenda Report No. 05-0626

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. Continuing the improvement south from 57th Street South to 63rd Street South will provide an improved transportation corridor to Wichita's south city limits. On December 14, 2004, the City Council approved the widening of Hydraulic between 57th Street South and 63rd Street South. The project will widen Hydraulic to four lanes, install a storm water drainage system and sidewalks. This project requires the partial acquisition of three tracts. One tract is a portion of 5928 South Hydraulic, owned by Glen and Rose Hand. The property contains 21,572 square feet and is improved with a 572 square foot, single-family residence.

The acquisition of will require a 1,000 square foot portion of land adjacent to Hydraulic and was appraised at \$2,850. The appraised offer was rejected. After the project, the house will be approximately seven feet from Hydraulic. Traffic on Hydraulic is currently heavy and travels at high speed. This will likely increase with the improvements. The appraiser included no compensation for proximity damages. The owner suggested that the house be moved back from the road. A written estimate of \$17,140 to resituate the house on the site was obtained. An offer of \$19,990 for the land and house moving has been accepted by the owner.

The funding source for the City share is General Obligation Bonds. A budget of \$20,290 is requested. This includes \$19,990.00 for the acquisition, and \$300.00 for closing costs and title insurance.

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Motion--
--carried

Mayans moved that the budget and the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

2129 GEO. WASH.

2129 GEORGE WASHINGTON BOULEVARD FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0627

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 2129 George Washington Boulevard, which is owned by Mr. & Mrs. John Gardner. The site is 20,605 square feet and is improved with a 3,970 square foot, one and a half story Traditional style home.

The city had the property appraised in May 2005. The appraised value of \$275,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$285,750 is requested. This includes \$275,000 for the acquisition, \$9,000 for demolition and \$750 for closing costs and \$1,000 for title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

KDHE

KDHE POLLUTION PREVENTION AWARD.

Agenda Report No. 05-0628

The City of Wichita's biggest cultural event is the Wichita River Festival, which attracts over 300,000 people each May. This event uses the Arkansas River as a backdrop to bring together the community. All the Festival participants and activities are located near the banks of the river in downtown Wichita, Kansas. In the last few years, water quality issues have been headline news prior to and throughout the River Festival event. The negative or positive aspects of the current condition of the river should not be sensationalized, but rather factual information should be provided that increases the understanding of the natural river system.

The "River Ambassador" program was developed by the Environmental Services and Water & Sewer Departments as a way to effectively communicate accurate water quality and pollution prevention information to the general public. In 2003 and 2004, the program was funded by an EPA Section 319 Non-point Source Pollution Control Grant through a grant agreement with the Kansas Department of Health and Environment (KDHE). The ultimate goal for the River Ambassadors program was that, through increased awareness, citizens might better understand the reason for implementing practices that reduce non-point source (NPS) pollutants from around their households.

What the River Ambassadors learned from the public surveyed was this: they rate water quality as a high priority, but do not understand the inter-relationship between surface water and groundwater issues. They believe that the predominant polluters are, but do not understand non-point source pollution. They feel strongly that water education is needed for youth.

The award application deadline was June 23, 2005. Under authority of City of Wichita Administrative Regulation No. 61, the City Manager is authorized to submit the application where delay would invalidate the application.

There are no financial considerations associated with the award.

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Motion--
--carried

Mayans moved that the award application be approved; the award accepted if received and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

EPA PHOENIX

EPA PHOENIX AWARD APPLICATION FOR BROWNFIELD REDEVELOPMENT.

Agenda Report No. 05-0629

The Phoenix Awards were created in 1997 to honor the groups that develop significant brownfields sites across the country. The award program seeks to recognize innovative yet practical remediation projects, which bring blighted, old commercial and industrial sites back to productive use. KDHE has recommended that Environmental Services apply for this prestigious award with the Gilbert-Mosley Project/WATER Center.

In the 1990's, the City of Wichita began a campaign to draw residents back to its downtown area through the Old Town redevelopment project. However, before the project could get off the ground, the stigma of groundwater contamination had to be eliminated. The City of Wichita, by choosing to take the lead on the Gilbert-Mosley Project, avoided the economic and environmental stigma of Superfund. The City held a series of meetings with a variety of stakeholders including property owners and businesses, KDHE, EPA, lenders, banking regulators, real estate agents, title companies, consultants, government officials and legislators to identify the issues. A plan was developed to conduct the investigation and cleanup. As part of the Gilbert-Mosley Project, the City developed the Certificate and Release for Environmental Liability Program and established a Tax Increment Finance District through changes in state laws.

The City chose an unconventional reuse plan for the remediated groundwater to meet its environmental and education goals—the WATER (Wichita Area Treatment, Education and Remediation) Center. After treatment, the remediated water passes through fountains, aquariums and a stream. Other reuse opportunities at the WATER Center include park-wide irrigation and a water-truck filling station for use by the municipal park department. All of these “reuse” options; the state of the clean-up process, the importance of the natural resource, and the relation to the river ecosystem, are displayed for the public's education.

The Department of Environmental Services is seeking authorization to apply for and accept The Phoenix Award: Recognition for Excellence in Brownfield Redevelopment. The completed application must be received by June 28, 2005. Under authority of City of Wichita Administrative Regulation NO. 61, the City Manager is authorized to submit the application where delay would invalidate the application.

This national award brings honor to the recipient but no financial award.

Motion--
--carried

Mayans moved that the award application be approved; the necessary signatures authorized and the award accepted if received. Motion carried 6 to 0, (Gray absent).

HUD

HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT, VETERANS MEMORIAL PARK. (DISTRICT VI)

Agenda Report No. 05-0630

The John S. Stevens Memorial was dedicated in 1977 and was conveyed to the Board of Park Commissioners by the City of Wichita in 1980. Since that time, the Stevens Memorial has become one of the key memorials in Veterans Memorial Park, displaying 14 different flags which give a brief chronological history and development of the United States. In recent years, the memorial has shown signs of aging and the condition of the flag systems is in great need of replacement with newer technology that will provide greater durability and vandal resistance. The existing walls around the plaza area are also in need of treatment to increase visibility and public safety to the plaza.

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In 2003, Operation Ensign, a not-for-profit 501c3 corporation, was formed by chairperson Phil Blake and others to dedicate its efforts to the restoration of the Stevens Memorial and other veteran memorials located in the city. Since that time, Park and Recreation staff have been actively developing criteria in partnership with Operation Ensign to resolve the issues in the Stevens Memorial. In May 2004, the City developed and constructed an ADA-compliant bus drop-off area along North Greenway Boulevard and a new access walkway for future memorial events to improve site accessibility for larger events. This was considered one of the first important steps to improving the mission for event use in Veterans Memorial Park and the Stevens Memorial.

Since the Fall of 2003, Operation Ensign has worked actively with federal officials to lobby for funding to rehabilitate the Stevens Memorial. On November 23rd, 2004, Congress announced that the U.S. Department of Housing and Urban Development awarded two Economic Development Initiative Special Project grants for Project Ensign and the City of Wichita. The purpose of these grants is to renovate and restore the Stevens Memorial located within Veterans Memorial Park.

Two grants were awarded for the Veterans Memorial Park. Project Ensign (Operation Ensign) was awarded \$297,600 (grant number B-05-SP-KS-0085) and the City of Wichita will receive \$248,000 (grant number B-05-SP-KS-0487). Both grants are for Veterans Memorial Park with funds having a five-year requirement for funding to be spent.

With these funds, the City will direct funding to restore the lanyards and cabinet boxes for the flagpoles. Additional funding will be used to make improvements to the wall work, which is necessary to improve visibility and park safety, as well as other restoration efforts that may be required to bring the project to a satisfactory condition.

The City of Wichita grant totals \$248,000 and does not require matching funds.

The City will be required to comply with the conditions of the grant agreement.

Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures for the grant application and the grant award be authorized. Motion carried 6 to 0, (Gray absent).

CMAQ GRANT

RESOLUTION: AUTHORIZING CMAQ GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION, FTA.

Agenda Report No. 05-0631

The Congestion Mitigation and Air Quality (CMAQ) federal grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this resolution is to authorize staff to file for federal funds under the CMAQ grant program, which is a discretionary capital and operations program to relieve traffic congestion. In FY 2005, Wichita Transit was awarded \$64,000 in CMAQ funds for shuttle and rideshare programs. CMAQ is an 80 percent federal/20 percent local/state match grant program.

Wichita Transit has identified three (3) projects to utilize CMAQ funds to relieve traffic congestion:

- § Air show shuttles -- transporting attendees from outlying parking lots to the airport grounds,
- § WSU basketball shuttles -- transporting attendees to WSU campus from outlying parking lots, and
- § Rideshare program -- a computer-assisted program identifying applicants and joining them together for carpooling.

This CMAQ grant pertains to the first year of a three-year demonstration period, funding at 80 percent federal and 20 percent local.

The total cost for this CMAQ grant is \$64,000 federal (80 percent) and \$16,000 match by the state (20 percent).

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Motion--
--carried

Mayans moved that the resolution be adopted and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

RESOLUTION 05-347

A Resolution authorizing the filing of an application with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by the Congestion Mitigation and Air Quality Grant Program.

CHILD CARE GRANT RENEWAL OF CHILD CARE LICENSING GRANT.

Agenda Report No. 05-0632

The Environmental Services Department conducts inspections of child care facilities and provides education for child care providers throughout Wichita and Sedgwick County on behalf of the Kansas Department of Health and Environment. KDHE provides an annual grant to fund these activities, and has offered continued funding for state fiscal year 2006 (July 1, 2005 through June 30, 2006.)

City staff has conducted child care licensing and education activities in excess of thirty years, affording citizens and providers a local point of contact. Local operation of the program also enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Health staff enforce state regulations and utilize state enforcement mechanisms as appropriate.

The grant amount for state fiscal year 2006 totals \$284,934. The program is also supported by local inspection fees, which generate approximately \$160,000 annually.

The previously signed contract remains in effect until terminated by KDHE or the City. The "Notice of Grant Award Amount & Summary of Programs Objectives" to the existing contract has been reviewed by the Law Department and approved as to form.

Motion--carried

Mayans moved that the continuance of the grant be approved. Motion carried 6 to 0, (Gray absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 21, 2005)

- a) SETTLEMENT OF LITIGATION-CASE NO. 03 CV 2854. (DISTRICT V)

CHARTER ORDINANCE 201

A Charter Ordinance Exempting the City of Wichita, Kansas, from the Provisions of K.S.A. 13-10,107 and K.S.A. 13-10,109 and providing substitute and additional provisions on the same subject relating to Constructing Sewers Outside the City Limits of the City of Wichita, Kansas, including areas within the city limits of other cities, issuing General Obligation Bonds of the City of Wichita, Kansas, to pay for the same and specially assessing the cost thereof against property deemed benefited, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent).

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- b) 21ST STREET NORTH IMPROVEMENT, BETWEEN OLIVER AND WOODLAWN,
(DISTRICT I)

ORDINANCE 46-611

An Ordinance declaring 21st St. North, between Oliver and Woodlawn (472-84235) to be a Main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent).

- c) AMENDMENTS TO SECTION 5.88.010, 5.88.020, 5.88.030, 5.89.020 AND 5.89.030 AND
REPEAL OF SECTIONS 3.08.050, 5.88.015 AND 5.89.100 OF THE CODE OF THE CITY
OF WICHITA REGARDING FIREARMS.

ORDINANCE 46-612

An Ordinance Amending Sections 5.88.010, 5.88.020, 5.88.030, and 5.89.020 of the code of the City of Wichita, Kansas, Pertaining to Firearms, Sales Permits and Dealer Licenses and Repealing the originals of Sections 3.08.050, 5.88.010, 5.88.015, 5.88.020, 5.89.030, 5.89.020, 5.89.030, and 5.89.100 of the code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent).

- d) AMENDMENTS TO SECTION 5.42.020 OF THE CODE OF THE CITY OF WICHITA,
KANSAS, PERTAINING TO THE CRIME OF GIVING A WORTHLESS CHECK

ORDINANCE 46-614

An Ordinance amending section 5.42.020 of the code of the City of Wichita, Kansas, pertaining to the Crime of Giving a Worthless Check and repeal of the original section 5.42.020, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent).

- e) ZON2004-00067 - GENERALLY LOCATED AT THE SOUTHWEST CORNER OF
HYDRAULIC AVENUE AND 13TH STREET NORTH. (DISTRICT I)

ORDINANCE 46-615

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28-04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent).. (ZON2004-00067)

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- f) PUD2002-01-SOUTH SIDE OF 37TH STREET NORTH AND WEST OF MAIZE ROAD.
(DISTRICT V)

ORDINANCE 46-616

An Ordinance changing the Zoning Classifications or Districts of Certain Lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent). (PUD2005-01)

- g) A05-12R-REQUEST BY GARY B. AND JANET HOOVER TO ANNEX LAND
GENERALLY LOCATED SOUTH OF 37TH STREET NORTH BETWEEN MAIZE AND
119TH STREET WEST. (DISTRICT V)

ORDINANCE 46-613

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limit and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; (Gray absent). (A0-12R)

PLANNING AGENDA

Motion--carried Mayans moved that the Planning Consent Agenda be approved as presented. Motion carried 6 to 0, (Gray absent).

A05-10 **A05-10R-REQUEST BY RITCHIE DEVELOPMENT CORP. TO ANNEX LANDS**
GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF KELLOGG/US-54
AND 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0633

The City has received a request to annex 137.5 acres of land generally located southeast of the intersection of Kellogg/US-54 and 127th Street East. The annexation area abuts the City of Wichita to the east, west, and northeast of the proposed property. The property owner proposes to develop the site for single-family (SF-5) and limited commercial (LC) use.

Analysis:

Land Use and Zoning: The proposed annexation consists of 137.5 acres of property currently zoned "SF-20" Single-Family Residential and "LC" Limited Commercial. Upon annexation, a portion of the property will be converted to "SF-5," Single-Family Residential. In addition, a request will be made to rezone approximately 25.2 acres for Limited Commercial use.

Property to the south of the subject property is zoned "SF-20" Single-Family Residential, while property to the east is zoned "SF-5" Single-Family Residential. Property to the west of the subject property is zoned "GC" General Commercial and "SF-5" Single-Family Residential. Property to the north is zoned "LC" Limited Commercial and "SF-20" Single-Family Residential.

Public Services:

An existing 12" water main lies along the entire west line of the subject site in the 127th St E. right-of-way. In addition, an existing 8" sewer line lies along a portion of the east line of the subject site, which could take a portion of the discharge, but the remainder would need to be extended to an east-west 30" interceptor sewer approximately 3/8 mile south of the south line of the subject site.

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Street System: 127th Street East runs along the west border of the subject property, which is a paved, two-lane arterial road. US-54/Kellogg is a paved, 6-lane freeway, which narrows to a 4-lane freeway north of the subject property. In addition, the K-96 interchange lies to the north of the subject property, which is a paved (4) four-lane freeway. From the subject property, K-96 runs north, and also joins US 54/Kellogg to the east.

The City of Wichita Capital Improvement Program (CIP) 2004-2013 has proposed improvements for US-54 north of the subject property, but has not scheduled funding for this section of freeway at this time. The Sedgwick County Capital Improvement Program 2005-2009 and the 2004 Transportation Improvement Program do not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within an eight (8) to nine (9) minute approximate response time from City Station No. 15, located at 7923 E. Lincoln. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: The WB Harrison Park, a 40-acre park, is located approximately 2 ½ miles to the southwest of the proposed annexation site. This park contains two (2) lighted tennis courts, a softball diamond, a rugby field, a children's play area, a paved jogging trail, and a fishing pond. According to the 1996 Parks and Open Space Master Plan, the south edge of the proposed annexation site is within a site that has been identified as a potential future park site. In addition, a pathway has been proposed along 127th Street, to the west of the subject property that connects to a proposed pathway/greenway that runs along Harry Street.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$12,830 with a total assessed value of \$3,849. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$121 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner is seeking approval of a plat to subdivide the property. It is anticipated that 187 residential units, 95 limited commercial units, and a church will be constructed. The value of the proposed residential development is estimated at \$175,134 per lot; a total appraised value after completion is estimated at \$32,750,000. Assuming the current City levy remains about the same, this would roughly yield \$118,283 in City annual tax revenues. The appraised value of the proposed church is estimated at \$4,275,000. The value of the proposed commercial development is estimated at \$250,117 per unit, a total appraised value after completion is estimated at \$23,761,078, which would roughly yield \$186,560 in City annual tax revenues. The total appraised value of all proposed development is estimated to equal \$60,786,078, which would roughly yield \$304,843 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A05-10)

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A05-11

**A05-11R-REQUEST BY WILLIAM AND MARILYN BECKER TO ANNEX LANDS
GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 119TH STREET
WEST AND PAWNEE. (DISTRICT IV)**

Agenda Report No. 05-0634

The City has received a request to annex 73.68 acres of land generally located southwest of the intersection of 119th Street West and Pawnee. The annexation area abuts the City of Wichita to the north of the proposed property. The property owner proposes to develop the site for "LC" Limited Commercial and "SF-5" Single-Family Residential use.

Analysis:

Land Use and Zoning: The proposed annexation consists of 73.68 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the property will convert to "SF-5" Single-Family Residential. It is anticipated that a request will be made to rezone approximately (5) five-acres for "LC" Limited Commercial use.

Property to the east, west, and south of the subject property is zoned "SF-20" Single-Family Residential, while property to the north is zoned "SF-20" and "SF-5."

Public Services: There is an existing 8" water line crossing 119th St W. along Grant Street just north of Pawnee, as well as, an existing 16" water main along Pawnee ending near Milstead. However, there is a project in the design phase to extend water between these two points, through the intersection of Pawnee and 119th W. Water for the subject site could be petitioned from that intersection. According to the City's current master plan, the subject site is to receive sewer service via the proposed Mid-Continent Interceptor that would be close to, or south of, the south line of the subject site. Currently the nearest sewer-line is on the west side of 119th Street W., about four lots south of Grant, and/or on the north side of Pawnee, about four lots west of Milstead.

Street System: The subject property borders 119th Street West to the east and Pawnee to the north. Both 119th Street West and Pawnee are paved, two-lane arterial roads. The City of Wichita Capital Improvement Program (CIP) 2004-2013 and the 2004 Transportation Improvement Program has scheduled Pawnee to be widened and reconstructed, from 119th Street West to Maize. In addition, according to the City of Wichita Capital Improvement Program 2004-2013, 119th Street West is scheduled for improvements, from Pawnee to Maple Street. Improvements for both Pawnee and 119th Street West are northeast of the subject property. The Sedgwick County Capital Improvement Program 2005-2009 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 17 located at 10651 W. Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The Pawnee Prairie Park, a 625-acre park, which is located approximately 1½ miles to the east of the proposed annexation site. Amenities at the park include a five-mile bridle trail, an eight-mile nature trail, a municipal golf course, a nature center, and parking areas that accommodate horse trailers. Several horse stalls are also available. In addition, Air Capital Memorial Park, a ten-acre park, is adjoining Pawnee Prairie Park to the north. According to the 1996 Parks and Open Space Master Plan, a pathway has been proposed that would run along the north boundary of the subject property.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Service Area as shown in the Plan.

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The current approximate appraised value of the proposed annexation lands, according to County records, is \$118,580 with a total assessed value of \$17,506. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$42,979 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner is anticipating that approximately five-acres will be developed as limited commercial, and approximately 100 single-family housing units will be developed within the next five-to-ten years. The total appraised value of this residential development after completion is estimated at \$10,500,000. Assuming the current City levy remains about the same, this would roughly yield \$37,923 in City annual tax revenues. The total appraised value of the limited commercial property after completion is estimated at \$644,000, which would roughly yield \$5,056 in City annual tax revenues. In sum, the total appraised value, of both the residential and limited commercial development, after completion is estimated at \$11,144,000, which is estimated to yield roughly \$42,979 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A05-11)

SUB2005-02

SUB2005-02-PLAT OF CROSS POINTE ADDITION, LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH AND EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 05-0635

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 13 lots on 59.4 acres, is a replat of a portion of Eastside Community Church Addition and the First Bible Baptist Church Addition. The site has been approved for a zone change (ZON 2004-44) from SF-5, Single-Family Residential District to LC, Limited Commercial District. The Cross Pointe Community Unit Plan (CUP 2004-39, DP-279) was also approved for this site. A Notice of Community Unity Plan (CUP Certificate) has been submitted.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for water, sanitary sewer, storm water drain, decel lane, left-turn bay, traffic signal and paving improvements. As requested by City Engineering, a Temporary Drainage Easement has been submitted. In accordance with the CUP approval, a Cross-lot Circulation Agreement has been submitted to assure internal vehicular movement between the lots. For those reserves being platted for drainage purposes, a Restrictive Covenant was submitted to create a lot owners' association to provide for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until such time as the plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, Temporary Drainage Easement, Cross-lot Circulation Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinances placed on first reading. Motion carried 6 to 0, (Gray absent).

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RESOLUTION NO. 05-333

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90083 (south of 21st, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent)

RESOLUTION NO. 05-334

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90084 (south of 21st, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-335

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90085 (south of 21st, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-336

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 16, Four Mile Creek Sewer (south of 21, east of Greenwich) 468-84044, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent)

RESOLUTION NO. 05-337

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 15, Four Mile Creek Sewer (south of 21st, east of Greenwich) 468-84045, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-338

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 15, Four Mile Creek Sewer (south of 21st, east of Greenwich) 468-84046, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-339

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 272 (south of 21st, east of Greenwich) 468-84047 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

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RESOLUTION NO. 05-340

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 273 (south of 21st, east of Greenwich) 468-84048 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-341

Resolution of findings of advisability and Resolution authorizing constructing a Decel Lane on the South Side of 21st Street North to serve the Entrance between Lots 4 and 5, Block 1, Cross Pointe Addition (south of 21st, east of Greenwich) 472-84229 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-342

Resolution of findings of advisability and Resolution authorizing constructing a Decel Lane on the South Side of 21st Street North to serve the entrance between Lots 7 and 8, Block 1, Cross Pointe Addition (south of 21st east of Greenwich) 472-84230 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-343

Resolution of findings of advisability and Resolution authorizing constructing a Decel Lane on the south side of 21st street North to serve the entrance between Lots 9 and 10, Block 1, Cross Pointe Addition (south of 21st, east of Greenwich) 472-84231, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-344

Resolution of findings of advisability and Resolution authorizing constructing a 3-Way Traffic Signal on 21st street North at the major entrance located between Lots 7 and 8, Block 1, Cross Pointe Addition (south of 21st, east of Greenwich) 472-84232 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

RESOLUTION NO. 05-345

Resolution of findings of advisability and Resolution authorizing constructing improvements to Greenwich Road to serve Cross Pointe Addition (south of 21st, east of Greenwich) 472-84233 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

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RESOLUTION NO. 05-346

Resolution of findings of advisability and Resolution authorizing constructing a Left Turn Lane on 21st street north to serve the eastern most entrance, between Lots 9 and 10, Block 1, Cross Pointe Addition approximately 430' west of K096 Expressway (south of 21st, east of Greenwich) 472-84234 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-00044)

DED2005-17

DED2005-17-DEDICATION OF A UTILITY EASEMENT, LOCATED EAST OF MAIZE ROAD AND NORTH OF MACARTHUR ROAD. (DISTRICT IV)

Agenda Report No. 05-0636

MAPC Recommendation: Accept the Dedication. (12-0)

This dedication is associated with a lot split case (SUB 2005-79). The Dedication is for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0, (Gray absent).

VAC2005-22

VAC2005-22-REQUEST TO VACATE STREET RIGHT-OF-WAY ACQUIRED BY TAKING, GENERALLY LOCATED SOUTH OF CENTRAL AND WEST OF HILLSIDE AVENUE. (DISTRICT I)

Agenda Report No. 05-0637

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicants are requesting consideration to vacate a remnant of Francis Avenue that was acquired by a taking in 1931; reference Ordinance 10-987, Misc. Book 98-278. At this site, Francis Avenue went over Reserve "B" (site) and the abutting Reserve "F", all in the Maple Grove Addition. The portion of Francis Avenue over Reserve "F" was vacated March 2, 1966 (Misc. Book 575, Page 217); however, that portion of Francis Avenue over Reserve "B" was never vacated. There are no uses listed in the plat's text for Reserve "B" or any of the Reserves in the Maple Grove Addition. There is a sewer line and a manhole in this portion of the right-of-way (ROW). There are no water lines located in the ROW. The ROW abuts drainage on its south side. Zoning case (ZON2004-65) is associated with this vacation case. The Maple Grove Addition was recorded with the Register of Deeds on July 10, 1886.

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The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, dedication of abutter's access rights by separate instrument and dedication of a restrictive covenant by separate instrument will be recorded with the Register of Deeds and will retain the right-of-way as an easement.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Gray absent).

Mayor Mayans

Mayor Mayans requested that the Council recess the Council Meeting at 9:56 a.m. until Police Chief Stolz's arrival to comment on Item 3.

Workshop followed

RECONVENED

The City Council Reconvened at 10:26 a.m. (Council member Brewer absent).

Recorder's Note:

Agenda Item 3 is shown in agenda order.

ADJOURNMENT

Motion--carried

Mayans moved that the Council Meeting be adjourned at 10:32 a.m. Motion carried 5 to 0, (Gray and Brewer were absent).

Respectfully submitted,
Karen Sublett
City Clerk

Workshop continued